

STATEMENT TO

SENATE, No. 101

with Assembly Floor Amendments
(Proposed by Assemblyman JOHNSON)

ADOPTED: JUNE 20, 2019

Senate Bill No. 101 establishes a Personalized Handgun Authorization Commission which would be responsible for establishing performance standards for personalized handguns, also known as “smart guns” and “child-proof guns.” The commission also would be responsible for maintaining a roster of personalized handguns approved by the commission as meeting the personalized handgun performance standards and qualifying criteria.

In addition, this bill repeals certain sections of the current law. Under P.L.2002, c.130 (C.2C:58-2.2 et al.), three years after personalized handguns are available for retail purposes, it will be illegal for a firearms manufacturer or dealer to sell or transfer a handgun unless that handgun is a personalized handgun. This bill repeals certain sections of P.L.2002, c.130 (C.2C:58-2.2 et al.) and requires firearm retailers to have available for purchase at least one personalized handgun approved by the commission and listed on the roster as eligible for sale.

These Assembly amendments:

(1) provide that the member of the Personalized Handgun Authorization Commission with substantial experience in radio frequency identification or biometric reading technology is not required to be an engineer;

(2) define the term “authorized user” as the lawful owner of a personalized handgun or person to whom the owner has given consent to use the personalized handgun;

(3) provide that the Personalized Handgun Authorization Commission shall maintain a roster of all personalized handguns approved by the commission as meeting the personalized handgun performance standards and the established qualifying criteria;

(4) provide that the roster of approved personalized handguns would be published on a website maintained by the New Jersey State Police and updated as necessary, instead of every six months;

(5) provide that that a manufacturer or other entity seeking to include a handgun on the approved personalized handgun roster may apply to the commission for a determination of whether the make and model of a handgun proposed by the applicant would meet the personalized handgun performance standards, instead of the commission identifying and approving a list of independent laboratories which would be used to determine whether handguns comply with the personalized handgun performance standards;

(6) remove the requirement that at least one independent laboratory would be identified and included on the list of approved laboratories within one year of the commission's organization;

(7) provide that the commission's determination would be based upon testing conducted by an independent laboratory proposed by the applicant which has been accredited for the testing of firearms by the National Voluntary Laboratory Accreditation Program or other national certifying body approved by the commission or, if the applicant does not propose an independent laboratory or if one is not approved or available, by the Division of State Police;

(8) provide that the commission would approve an independent laboratory proposed by an applicant to perform the determination if the commission is clearly convinced that the laboratory is capable of performing the determination and will be sufficiently objective making the determination, provided that the laboratory is not owned or operated by a handgun manufacturer or any other organization that seeks to promote or restrict handgun ownership;

(9) remove the provision that an independent laboratory may apply to the commission for inclusion on the list of approved laboratories;

(10) provide that the independent laboratory or Division of State Police, as the case may be, would test a handgun within a reasonable amount of time following approval of the application by the commission and would issue a final test report to the commission at the conclusion of the test;

(11) provide that any alteration to the design of a make and model of a handgun that has been approved for addition on the roster requires a determination that the handgun continues to meet the performance standards and qualifying criteria established by the commission in order to include the altered design model of the handgun on the roster;

(12) provide that within 60 days of the first personalized handgun being included on the roster, each licensed firearms retail dealer is required to make available for purchase at least one personalized handgun approved by the commission and listed on the roster as eligible for sale; post in at least one location in the dealer's place or places of business in a conspicuous manner: copies of the personalized handgun roster and a sign that includes a clear and conspicuous statement disclosing the features of the personalized handguns that are not offered by traditional handguns and advises customers that such firearms may be purchased through the licensed retail dealer; and accept and process orders to enable customers to purchase through the licensed retail dealer any of the personalized handguns included on the roster;

(13) remove section 5 of the bill, which requires the Superintendent of State Police to issue an exemption certificate to any firearms retail dealer who demonstrates undue hardship; and

(14) make several clarifications to language in the bill.